

REMARKS

Claims 1-3 and 5-18 remain pending.

Claims 1-3, 5-9, 13 and 15-18 were rejected under 35 U.S.C. §103(a) as being unpatentable over Onodera, U.S. Patent No. 7,331,055 in view of Honda, Pub. No. US 2002/0191517, further in view of Maruyama, U.S. Patent No. 6,560,407. Claims 10, 11, 12 and 14 were rejected under 35 U.S.C. §103(a) over the same combination of references, further in view of Official Notice.

The rejections are respectfully traversed on the ground that under 35 U.S.C. §103(c)(1), Honda, Pub. No. US 2002/0191517 cannot be properly used in a rejection under 35 U.S.C. §103(a) with respect to the present application.

Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person. 35 U.S.C. §103(c)(1).

Application of 35 U.S.C. §103(c)(1) to the present situation requires applicant to establish two conditions: i) Honda, US 2002/0191517 qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102; and ii) the subject matter disclosed in Honda, US 2002/0191517 and the claimed invention of the present application were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person. If both conditions are established, Honda, US 2002/0191517 cannot be used to reject the claims of the present application under 35 U.S.C. §103(a).

REMARKS

Claims 1-3 and 5-18 remain pending.

Claims 1-3, 5-9, 13 and 15-18 were rejected under 35 U.S.C. §103(a) as being unpatentable over Onodera, U.S. Patent No. 7,331,055 in view of Honda, Pub. No. US 2002/0191517, further in view of Maruyama, U.S. Patent No. 6,560,407. Claims 10, 11, 12 and 14 were rejected under 35 U.S.C. §103(a) over the same combination of references, further in view of Official Notice.

The rejections are respectfully traversed on the ground that under 35 U.S.C. §103(c)(1), Honda, Pub. No. US 2002/0191517 cannot be properly used in a rejection under 35 U.S.C. §103(a) with respect to the present application.

Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person. 35 U.S.C. §103(c)(1).

Application of 35 U.S.C. §103(c)(1) to the present situation requires applicant to establish two conditions: i) Honda, US 2002/0191517 qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102; and ii) the subject matter disclosed in Honda, US 2002/0191517 and the claimed invention of the present application were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person. If both conditions are established, Honda, US 2002/0191517 cannot be used to reject the claims of the present application under 35 U.S.C. §103(a).

the applicable subsection since the October 29, 2001 U.S. filing date of Honda, 2002/0191517 precedes even the §119 priority date of June 28, 2002 for the present application.

Regarding common ownership, applicant acknowledges that, on its face, Honda, US 2002/0191517 does not indicate an assignee. Nevertheless, as established by the records of the Assignment Division of the USPTO, Honda, US 2002/0191517 (more specifically U.S. patent application No. 10/053,238, filed October 29, 2001) is owned by Yamaha Corporation of Hamamatsu-shi, Shizuoka-Ken, Japan (see Attachment 3). The same is true for the present application, serial No. 10/607,338, filed June 26, 2003 (see Attachment 4). Accordingly, Honda, US 2002/0191517 and the claimed invention of the present application were, and are, owned by the same entity, i.e., Yamaha Corporation.

In view of the foregoing, it is respectfully submitted that applicant has established both conditions of 35 U.S.C. §103(c)(1) with respect to the present application and Honda, US 2002/0191517. Accordingly, withdrawal of the §103(a) rejections based on Honda, US 2002/0191517 is respectfully requested.

In view of the foregoing amendment and remarks, applicant believes that the claims are in condition for allowance. If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California telephone number (213) 488-7100

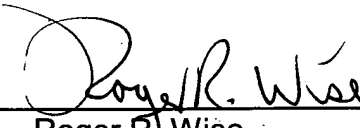
to discuss the steps necessary for placing the application in condition for allowance should the Examiner believe that such a telephone conference call would advance prosecution of the application.

Respectfully submitted,

PILLSBURY WINTHROP SHAW PITTMAN LLP

Date: July 29, 2010

By: \_\_\_\_\_

  
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Attachments: (1) Face sheet JP 2002-203321  
(2) English abstract JP 2002-203321  
(3) Assignment abstract serial No. 10/053,238  
(4) Assignment abstract serial No. 10/607,338

(19) 日本国特許庁 (J P)

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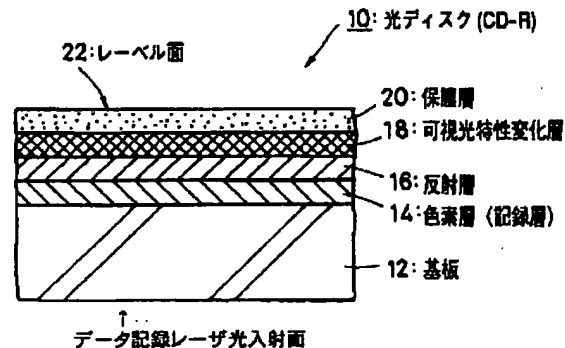
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(54) 【発明の名称】 光ディスクのレーベル面画像形成方法および光ディスク装置並びに光ディスク

## (57) 【要約】

【課題】光ディスク装置のレーザ光を利用して光ディスクのレーベル面に画像形成を行う。

【解決手段】光ディスクのレーベル面側から見える箇所に、感光材、感熱材等による可視光特性変化層を形成する。光ディスク装置のターンテーブルに、この光ディスクを、そのレーベル面を下に向けてセットする。光ディスクと光ピックアップとを光ディスクの面に沿って相対移動させる。該相対移動に同期して光ピックアップから出射するレーザ光のパワーを、画像形成しようとする文字、絵等の画像データに応じて変調して可視光特性変化層に照射する。このレーザ光の照射により、可視光特性変化層の可視光特性を変化させて、レーベル面に該当する画像を形成する。



# PATENT ABSTRACTS OF JAPAN

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G11B 7/085  
G11B 7/24  
G11B 7/26

(21)Application number : 2001-333408 (71)Applicant : YAMAHA CORP  
(22)Date of filing : 30.10.2001 (72)Inventor : HONDA KAZUHIKO  
KONDO TAMON

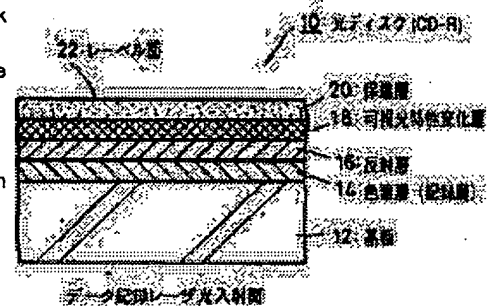
(30)Priority  
Priority number : 2000330359 Priority date : 30.10.2000 Priority country : JP

## (54) IMAGE FORMING METHOD ON LABEL SURFACE OF OPTICAL DISK, OPTICAL DISK DEVICE AND OPTICAL DISK

### (57)Abstract

**PROBLEM TO BE SOLVED:** To form an image on a label surface of an optical disk utilizing a laser beam of an optical disk device.

**SOLUTION:** A visible light characteristics variation layer consisting of a photosensitive material, a thermosensitive material or the like is formed at the part which can be viewed from the side of the label surface of the optical disk. The optical disk is set to a turntable of the optical disk device turning the label surface downward. The optical disk and an optical pickup are relatively moved along the surface of the optical disk. The power of the laser beam emitted from the optical pickup synchronizing with the relative movement is modulated corresponding to image data of a character, picture and the like to be image-formed to irradiate the visible light characteristics variation layer with the laser beam. The visible light characteristics of the visible light characteristics change layer is varied by the laser beam irradiation to form the corresponding image on the label surface.





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**Total Assignments: 1**Patent #: 7268794

Issue Dt: 09/11/2007

Application #: 10053238

Filing Dt: 10/29/2001

Publication #: 20020191517

Pub Dt: 12/19/2002

Inventors: Kazuhiko Honda, Tamon Kondo

Title: METHOD OF PRINTING LABEL ON OPTICAL DISK, OPTICAL DISK UNIT, AND OPTICAL DISK

**Assignment: 1**Reel/Frame: 013190/0589

Recorded: 08/14/2002

Pages: 3

Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

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Exec Dt: 06/20/2002

KONDO, TAMON

Exec Dt: 07/15/2002

Assignee: YAMAHA CORPORATION10-1, NAKAZAWA-CHO, HAMAMATSU-SHI  
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**Total Assignments: 1**

Patent #: NONE

Issue Dt:

Application #: 10607338

Filing Dt: 06/26/2003

Publication #: 20040071454

Pub Dt: 04/15/2004

Inventor: Shin Nishizawa

Title: Method of controlling the operation of an optical disc recording apparatus, and recording medium on which the control program is recorded

**Assignment: 1**Reel/Frame: 014243/0734

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Assignor: NISHIZAWA, SHIN

Exec Dt: 06/12/2003

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SHIZUOKA-KEN, JAPAN

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